

SECTION SIX

Publishing the Request for Proposals and Signing the Contract

If a contractor is to be used to do some or all of the collection work, the HHW collection program probably will issue a Request for Proposal (RFP). An RFP will solicit information on which contractors are available and qualified to manage a HHW collection program, and the amount they will charge. Most local governments have specific procedures for issuing RFPs. A contractor should be selected based on the proposals received in response to the RFP, and a formal contract between the sponsor and contractor must be signed. This process ensures that the community is provided with all the necessary services at a reasonable cost, and that the roles of everyone involved in the collection event are clearly defined. This is the only way to ensure proper management of the waste.

Issue the RFP

A good RFP provides a comprehensive description of the services to be provided so that prospective contractors can bid on the cost of delivering those services. The more specific and clear the RFP, the better the chances of obtaining complete proposals and realistic bids.

An RFP can include the following information:

- A detailed narrative description of the sponsor's goals for the program.
- The proposed collection site(s) and date(s).
- The size of the targeted population and types of generators (e.g., households, farmers, and/or schools).
- The size and relevant characteristics, such as community demographics, of the targeted geographic area.
- The percentage of the targeted population within five miles of the selected site.
- Copies of the completed manifests.
- The extent and focus of planned education and publicity (to help estimate participation rates).
- The targeted waste categories.
- The type of collection (drop-off, curbside, etc.)
- Any specific waste handling requirements.
- Use of volunteers and in-house staff and the tasks they will perform.
- Training required for HHW handlers.
- All services required of the contractor, potentially including:
 - unloading HHW from participants' vehicles (for a drop-off collection).
 - pre-screening waste.
 - sorting, segregating, and packaging waste.
 - testing unknown wastes.
 - labeling wastes.
 - combining materials for reuse (e.g., paint consolidation).
 - filling out hazardous waste forms (manifests).
 - obtaining a temporary EPA identification number, if necessary (see Appendix A).
 - controlling traffic.
 - hauling and disposing of the waste.
- Post-collection reports to be submitted.
- The materials and equipment to be provided by the contractor (see box).
- The waste management preferences of the sponsor, including the wastes that the sponsor wants recycled.
- The ultimate destination for each waste (when the sponsor has preferences).
- Proof of insurance.
- An "escape clause" to ensure that the sponsor reserves the right to reject all bids or to modify the plan.
- costs.

The RFP can be advertised in the local press (this might be required by local ordinance) and in waste management trade journals. It also can be sent to the contractors on "bid lists" (lists of qualified

contractors are available from state, local, and EPA regional offices).

Select the Contractor

The program sponsor should base the selection of the contractor on the following information requested in the RFP and supplied in the proposal:

- **Contractor's license.** The contractor must be licensed to handle hazardous waste in the state where the HHW collection will be held.
- **Contractor's HHW experience and references.** The proposal should include a narrative section describing the

contractor's qualifications and experience. It also should include a list of references from any previous HHW collection programs handled by the contractor. (The sponsor should carefully check these references.)

Equipment

The equipment needed at the collection day is supplied by either the contractor or the collection program sponsor. It usually includes:

- **Waste management/disposal equipment:** Awning or tent (if needed for shelter), drums, absorbent for spills, shipping manifests, labels, testing equipment, and a dumpster.
- **Safety equipment:** Plastic ground covering, safety coveralls/Tyvek suits, aprons, goggles, splash shields, gloves, respirators, traffic safety/reflector vests, eye wash hoses, fire extinguishers, first-aid kits, towels, blankets, washtubs for scrubbing contaminated clothing, and air monitoring instruments (recommended for monitoring explosive vapor and organic vapor levels).
- **Traffic control equipment:** Traffic cones, barriers, and signs.
- **Furniture:** Tables, benches, stools, and chairs.
- **Other equipment:** Portable bathroom (if needed), portable water (if needed), food, dollies, dumpster for garbage, stapler, tape, markers, scissors, hammers, clipboards, coolers with ice, coffee maker, shovels, brooms, and garbage bags.



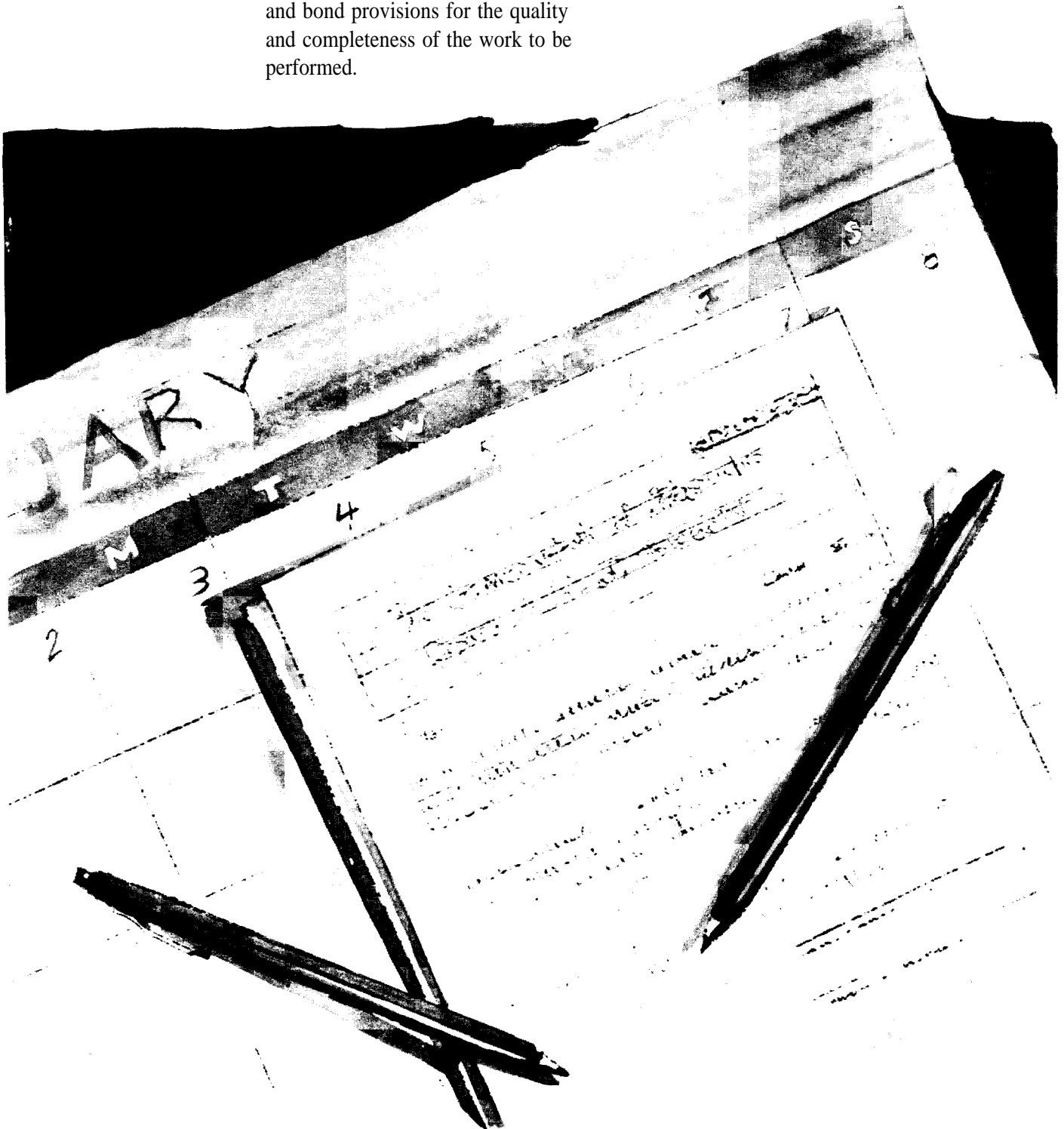
- **Compliance record.** (State and environmental regulatory agencies also can provide the regulatory compliance/violation records of contractors.)
- Insurance/indemnification provided by the contractor. A list of insurance carriers and policy numbers should be included.
- **Waste management services offered and the immediate and ultimate destination of the collected waste.** A contractor might own waste management facilities or might contract independently with incinerators, landfills, treatment facilities, and recycling firms. The sponsor should confirm the relationship of the contractor with any treatment and/or disposal facilities to be used. The sponsor also should receive copies of manifests or other shipping documents confirming the receipt of the wastes at the facilities identified by the contractor.
- **Contractor costs.** The proposal should include itemized costs for site set-up, labor, equipment materials, hazardous waste training, transportation, and disposal.
- **Available collection dates.** Fall and spring weekends are especially busy. The contractor should have enough equipment and personnel to operate at the times the sponsor selects.
- **A list of wastes not accepted by the contractor.** If a community expects large quantities of unusual wastes, this might be a consideration in choosing the contractor.
- **A list of wastes that will be consolidated and those that will be lab-packed in original containers.** Consolidation of high-volume wastes can result in significantly reduced costs to the sponsor.
- **A sample Contract** The contractor usually provides a sample contract with the proposal. (If the RFP contains a model contract, the contractor can accept it or modify it as necessary.)
- How **recyclable materials, such as used oil, batteries, paint and anti-freeze, will be managed.** This should specify any offsite recycling facilities that will process these materials.
- The number and level of training of personnel proposed for the collection. Highly trained personnel are more expensive and are not always needed. (For example, they might not be necessary at a recyclables-only event or a paint drop-and-swap.)
- **A health and safety plan.** The proposal should include a safety, accident prevention, and contingency plan. (The sponsor also might need to be involved in ensuring the availability and coordination of emergency services.)
- **Cost per drum, per product, or per unit of waste.** It also must be clear how much waste will be placed in each drum or container.

Write the Contract

Once a contractor is selected, the sponsor and contractor sign a formal contract agreeing to the services the contractor will provide and the compensation the contractor will receive. The contract usually is based on the contract in the original RFP or the one supplied in the proposal. It usually is a lengthy document, containing addenda with copies of insurance policies and rate and personnel schedules. It should include the following clauses:

- The names and addresses of *all* the parties to the contract.
- The specific role and status of each party, and the terms and conditions under which each operates.
- A full description of the services to be performed.

- The time, place, and duration of the work.
- The fee schedules for all the work to be done.
- Submission of proof (manifests) of delivery of all wastes prior to payment to the contractor.
- The default guarantees and assurance and bond provisions for the quality and completeness of the work to be performed.
- Any insurance and liability guarantees and requirements.
- The procedure for amending provisions of the contract.
- The contractor's guarantee of compliance with any applicable laws.



RFPs AND CONTRACTS

- The data the contractor will provide to assist in evaluating the program.
- A “savings” clause that protects the remainder of the contract should any part of it be deemed illegal or inappropriate.

As with the RFP, the more specific, complete, and clear a contract is, the less the contractor will have to assume and the more satisfactory the results will be. State hazardous waste contracts (see Appendix B) usually

have current model contracts that cover all federal and state requirements. The indemnification and insurance clauses usually cause the most difficulty. The contract should indicate clearly which liabilities and hazards are covered and to whom the indemnification and insurance clauses apply (e.g., contractors, haulers, municipality and individual departments, or volunteers). The sponsor’s legal advisors should review the contract before it is signed.